

AMENDED IN SENATE SEPTEMBER 4, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1288

Introduced by Assembly Member Atkins

February 27, 2015

An act to amend Section 38562 of the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 1288, as amended, Atkins. California Global Warming Solutions Act of 2006: regulations.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020.

The act authorizes the state board to include the use of market-based compliance mechanisms and to adopt a regulation that establishes a system of market-based declining annual aggregate emissions limits for sources or categories of sources that emit greenhouse gases, applicable from January 1, 2012, to December 31, 2020, inclusive, as specified.

This bill would no longer limit the applicability of a regulation that establishes a system of market-based declining annual aggregate emissions limits for sources or categories of sources that emit greenhouse gases from January 1, 2012, to December 31, 2020.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. It is the intent of the Legislature to ensure that*
2 *disadvantaged communities, identified pursuant to Section 39711*
3 *of the Health and Safety Code, continue to receive moneys from*
4 *market-based compliance mechanisms that may be adopted by the*
5 *State Air Resources Board beyond the year 2020, pursuant to*
6 *Section 39713 of the Health and Safety Code.*

7 ~~SECTION 1.~~

8 SEC. 2. Section 38562 of the Health and Safety Code is
9 amended to read:

10 38562. (a) On or before January 1, 2011, the state board shall
11 adopt greenhouse gas emissions limits and emissions reduction
12 measures by regulation to achieve the maximum technologically
13 feasible and cost-effective reductions in greenhouse gas emissions
14 in furtherance of achieving the statewide greenhouse gas emissions
15 limit, to become operative beginning on January 1, 2012.

16 (b) In adopting regulations pursuant to this section and Part 5
17 (commencing with Section 38570), to the extent feasible and in
18 furtherance of achieving the statewide greenhouse gas emissions
19 limit, the state board shall do all of the following:

20 (1) Design the regulations, including distribution of emissions
21 allowances where appropriate, in a manner that is equitable, seeks
22 to minimize costs and maximize the total benefits to California,
23 and encourages early action to reduce greenhouse gas emissions.

24 (2) Ensure that activities undertaken to comply with the
25 regulations do not disproportionately impact low-income
26 communities.

27 (3) Ensure that entities that have voluntarily reduced their
28 greenhouse gas emissions prior to the implementation of this
29 section receive appropriate credit for early voluntary reductions.

30 (4) Ensure that activities undertaken pursuant to the regulations
31 complement, and do not interfere with, efforts to achieve and
32 maintain federal and state ambient air quality standards and to
33 reduce toxic air contaminant emissions.

34 (5) Consider cost-effectiveness of these regulations.

35 (6) Consider overall societal benefits, including reductions in
36 other air pollutants, diversification of energy sources, and other
37 benefits to the economy, environment, and public health.

1 (7) Minimize the administrative burden of implementing and
2 complying with these regulations.

3 (8) Minimize leakage.

4 (9) Consider the significance of the contribution of each source
5 or category of sources to statewide emissions of greenhouse gases.

6 (c) In furtherance of achieving the statewide greenhouse gas
7 emissions limit, the state board may adopt a regulation that
8 establishes a system of market-based declining annual aggregate
9 emissions limits for sources or categories of sources that emit
10 greenhouse gases that the state board determines will achieve the
11 maximum technologically feasible and cost-effective reductions
12 in greenhouse gas emissions, in the aggregate, from those sources
13 or categories of sources.

14 (d) Any regulation adopted by the state board pursuant to this
15 part or Part 5 (commencing with Section 38570) shall ensure all
16 of the following:

17 (1) The greenhouse gas emissions reductions achieved are real,
18 permanent, quantifiable, verifiable, and enforceable by the state
19 board.

20 (2) For regulations pursuant to Part 5 (commencing with Section
21 38570), the reduction is in addition to any greenhouse gas
22 emissions reduction otherwise required by law or regulation, and
23 any other greenhouse gas emissions reduction that otherwise would
24 occur.

25 (3) If applicable, the greenhouse gas emissions reduction occurs
26 over the same time period and is equivalent in amount to any direct
27 emission reduction required pursuant to this division.

28 (e) The state board shall rely upon the best available economic
29 and scientific information and its assessment of existing and
30 projected technological capabilities when adopting the regulations
31 required by this section.

32 (f) The state board shall consult with the Public Utilities
33 Commission in the development of the regulations as they affect
34 electricity and natural gas providers in order to minimize
35 duplicative or inconsistent regulatory requirements.

36 (g) The state board may revise regulations adopted pursuant to
37 this section and adopt additional regulations to further the
38 provisions of this division.

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